

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02422-APM**

AMERICAN OVERSIGHT v. FEDERAL BUREAU OF
INVESTIGATION

Assigned to: Judge Amit P. Mehta

Demand: \$0

Cause: 05:552 Freedom of Information Act

Plaintiff

AMERICAN OVERSIGHT

Date Filed: 10/23/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by **Cerissa Cafasso**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5244
Fax: (202) 871-6523
Email: cerissa.cafasso@americanoversight.org
TERMINATED: 10/23/2019

Hart W. Wood
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 873-1743
Fax: (202) 871-6523
Email: hart.wood@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Martin M. Tomlinson**
U.S. DEPARTMENT OF JUSTICE
Civil Division
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
(202) 353-4556
Email: martin.m.tomlinson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter T. Wechsler
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 514-2705
Fax: (202) 616-8470
Email: peter.wechsler@usdoj.gov
TERMINATED: 03/23/2020
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
------------	---	-------------

10/23/2018	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 400 receipt number 0090-5753804) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Cafasso, Cerissa) (Entered: 10/23/2018)
10/23/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 10/23/2018)
10/25/2018		Case Assigned to Judge Amit P. Mehta. (zrdj) (Entered: 10/25/2018)
10/25/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrdj) (Entered: 10/25/2018)
11/15/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/25/2018. (Answer due for ALL FEDERAL DEFENDANTS by 11/24/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/31/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 10/31/2018 (Cafasso, Cerissa) (Entered: 11/15/2018)
11/16/2018	<u>5</u>	NOTICE of Appearance by Peter T. Wechsler on behalf of FEDERAL BUREAU OF INVESTIGATION (Wechsler, Peter) (Entered: 11/16/2018)
11/16/2018	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 11/16/2018)
11/26/2018		MINUTE ORDER granting Defendant's Unopposed <u>6</u> Motion for Extension of Time to Answer. Defendant's Answer shall be due December 10, 2018. Signed by Judge Amit P. Mehta on 11/26/2018. (lcapm2) Modified on 11/26/2018 (lcapm3,). (Entered: 11/26/2018)
11/26/2018		Set/Reset Deadlines: Defendant's Answer due by 12/10/2018. (zjd) (Entered: 11/26/2018)
12/07/2018	<u>7</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION.(Wechsler, Peter) (Entered: 12/07/2018)
12/10/2018	<u>8</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before December 28, 2018. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Please see the attached Order for details. Signed by Judge Amit P. Mehta on 12/10/2018. (lcapm2) (Entered: 12/10/2018)
12/10/2018		Set/Reset Deadlines: Joint Status Report due by 12/28/2018. (zjd) (Entered: 12/11/2018)
12/18/2018	<u>9</u>	NOTICE of Appearance by Hart W. Wood on behalf of AMERICAN OVERSIGHT (Wood, Hart) (Entered: 12/18/2018)
12/18/2018	<u>10</u>	Joint MOTION for Extension of Time to File <i>Joint Status Report</i> by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Text of Proposed Order)(Wood, Hart) (Entered: 12/18/2018)
12/19/2018		MINUTE ORDER granting <u>10</u> Joint Motion for Extension of Time to File Joint Status Report. The Joint Status Report described in ECF No. <u>8</u> shall be filed on or before 1/7/2019. Signed by Judge Amit P. Mehta on 12/19/2018. (lcapm2) (Entered: 12/19/2018)
12/19/2018		Set/Reset Deadlines: Joint Status Report due by 1/7/2019. (zjd) (Entered: 12/21/2018)

01/02/2019	<u>11</u>	MOTION to Stay by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 01/02/2019)
01/07/2019		MINUTE ORDER granting <u>11</u> Motion for a Stay of Proceedings. This matter is hereby stayed. Within three business days of Department of Justice operations resuming, Defendant shall notify the court by when it will file a Joint Status Report. Signed by Judge Amit P. Mehta on 1/7/2019. (lcapm2) (Entered: 01/07/2019)
01/30/2019	<u>12</u>	NOTICE to the court of restoration of appropriations by FEDERAL BUREAU OF INVESTIGATION (Wechsler, Peter) (Entered: 01/30/2019)
01/30/2019		MINUTE ORDER. The parties shall file their next Joint Status Report by February 7, 2019. Signed by Judge Amit P. Mehta on 1/30/2019 (lcapm2) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 2/7/2019. (zjd) (Entered: 02/05/2019)
02/07/2019	<u>13</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 02/07/2019)
02/12/2019		MINUTE ORDER. The parties shall file their next Joint Status Report no later than February 20, 2019, which addresses the issues identified in paragraph 4 of their previous Joint Status Report. Signed by Judge Amit P. Mehta on 2/12/2019. (lcapm2) (Entered: 02/12/2019)
02/12/2019		Set/Reset Deadlines: Joint Status Report due by 2/20/2019. (zjd) (Entered: 02/14/2019)
02/21/2019	<u>14</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Wechsler, Peter) (Entered: 02/21/2019)
02/22/2019	<u>15</u>	RESPONSE re <u>14</u> Status Report filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Declaration)(Cafasso, Cerissa) (Entered: 02/22/2019)
02/25/2019	<u>16</u>	RESPONSE re <u>16</u> to Plaintiff's Statement filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Exhibit plaintiff's statement)(Wechsler, Peter) Modified to add link on 2/25/2019 (znmw). (Entered: 02/25/2019)
02/25/2019	<u>17</u>	RESPONSE re <u>16</u> Response to Document filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Declaration Second Decl. of Cerissa Cafasso, # <u>2</u> Exhibit Exhibit 1 to Second Decl.)(Wood, Hart) (Entered: 02/25/2019)
03/04/2019		MINUTE ORDER. The parties shall appear for a status hearing on March 11, 2019, at 9:00 am in Courtroom 10. Signed by Judge Amit P. Mehta on 3/4/2019. (lcapm2) (Entered: 03/04/2019)
03/08/2019	<u>18</u>	STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Wechsler, Peter) (Entered: 03/08/2019)
03/08/2019		MINUTE ORDER. The status conference currently set for Monday, March 11, 2019 at 9 a.m. will now be held Friday, March 15, 2019 at 9 a.m. Signed by Judge Amit P. Mehta on 3/8/2019. (lcapm2) (Entered: 03/08/2019)
03/08/2019		Set/Reset Hearings: Status Conference set for 3/15/2019 at 09:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zjd) (Entered: 03/10/2019)
03/14/2019	<u>19</u>	NOTICE of Publicly Available FBI Correspondence by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit 1)(Cafasso, Cerissa) (Entered: 03/14/2019)
03/15/2019		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held on 3/15/2019. Joint Status Report and Proposed Briefing Schedule due by 3/19/2019. (Court Reporter: William Zaremba) (zjd) (Entered: 03/19/2019)
03/19/2019	<u>20</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Wechsler, Peter) (Entered: 03/19/2019)
03/22/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by March 28, 2019, which advises the court whether they have reached an agreement as to the scope of the searches at issue. Signed by Judge Amit P. Mehta on 3/22/2019. (lcapm2) (Entered: 03/22/2019)

03/22/2019		Set/Reset Deadlines: Joint Status Report due by 3/28/2019. (zjd) (Entered: 03/25/2019)
03/28/2019	<u>21</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Wechsler, Peter) (Entered: 03/28/2019)
03/29/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by April 30, 2019, which updates the court on the agency's search and proposed time for completing production. Signed by Judge Amit P. Mehta on 3/29/2019. (lcapm2) (Entered: 03/29/2019)
03/29/2019		Set/Reset Deadlines: Joint Status Report due by 4/30/2019. (zjd) (Entered: 03/29/2019)
04/30/2019	<u>22</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Wechsler, Peter) (Entered: 04/30/2019)
05/01/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by May 31, 2019, which updates the court on the agency's search and proposed time for completing production. Signed by Judge Amit P. Mehta on 5/1/2019. (lcapm2) (Entered: 05/01/2019)
05/01/2019		Set/Reset Deadlines: Joint Status Report due by 5/31/2019. (zjd) (Entered: 05/02/2019)
05/31/2019	<u>23</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 05/31/2019)
05/31/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by June 28, 2019, which updates the court on the agency's search and proposed time for completing production. Signed by Judge Amit P. Mehta on 5/31/2019. (lcapm2) (Entered: 05/31/2019)
05/31/2019		Set/Reset Deadlines: Joint Status Report due by 6/28/2019. (zjd) (Entered: 06/03/2019)
06/27/2019	<u>24</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Wechsler, Peter) (Entered: 06/27/2019)
06/28/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by July 29, 2019, which updates the court on the agency's search and proposed time for completing production. Signed by Judge Amit P. Mehta on 6/28/2019. (lcapm2) (Entered: 06/28/2019)
06/28/2019		Set/Reset Deadlines: Parties Additional Joint Status Report due by 7/29/2019. (ldc) (Entered: 06/28/2019)
07/11/2019	<u>25</u>	<p>TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS before Judge Amit P. Mehta held on March 15, 2019; Page Numbers: 1–24. Date of Issuance: July 11, 2019. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354–3249. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, PDF or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 8/1/2019. Redacted Transcript Deadline set for 8/11/2019. Release of Transcript Restriction set for 10/9/2019.(wz) (Entered: 07/11/2019)</p>
07/29/2019	<u>26</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Wechsler, Peter) (Entered: 07/29/2019)
07/30/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by November 29, 2019, which updates the court on the agency's search and proposed time for completing production. Signed by Judge Amit P. Mehta on 7/30/2019. (lcapm2)

		(Entered: 07/30/2019)
07/30/2019		Set/Reset Deadlines: Joint Status Report due by 11/29/2019. (zjd) (Entered: 07/31/2019)
10/23/2019	<u>27</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN OVERSIGHT. Attorney Cerissa Cafasso terminated. (Cafasso, Cerissa) (Entered: 10/23/2019)
11/25/2019	<u>28</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Wechsler, Peter) (Entered: 11/25/2019)
11/25/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by February 28, 2020, which updates the court on the processing and release of responsive records. Signed by Judge Amit P. Mehta on 11/25/2019. (lcapm2) (Entered: 11/25/2019)
11/25/2019		Set/Reset Deadlines: Joint Status Report due by 2/28/2020. (zjd) (Entered: 11/26/2019)
02/28/2020	<u>29</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 02/28/2020)
02/28/2020		MINUTE ORDER. The parties shall file an additional Joint Status Report by April 3, 2020, which updates the court on the processing and release of responsive records. Signed by Judge Amit P. Mehta on 02/28/2020. (lcapm2) (Entered: 02/28/2020)
02/28/2020		Set/Reset Deadlines: Joint Status Report due by 4/3/2020. (zjd) (Entered: 03/15/2020)
03/20/2020	<u>30</u>	MOTION to Stay MOTION for Extension of Time by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Declaration Seidel, # <u>2</u> Text of Proposed Order)(Wechsler, Peter). Added MOTION for Extension of Time on 3/23/2020 (eg). (Entered: 03/20/2020)
03/20/2020	<u>31</u>	RESPONSE re <u>30</u> MOTION to Stay filed by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 03/20/2020)
03/23/2020		MINUTE ORDER. In light of Plaintiff's partial non-opposition to <u>30</u> Defendant's Motion to Stay, (1) Defendant's obligation to make an initial production of records by March 31, 2020, and (2) the parties' filing of a Joint Status Report by April 3, 2020, are hereby stayed until further order of the court. Signed by Judge Amit P. Mehta on 03/23/2020. (lcapm2) (Entered: 03/23/2020)
03/23/2020	<u>32</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Martin M. Tomlinson on behalf of All Defendants Substituting for attorney Peter T. Wechsler (Tomlinson, Martin) (Entered: 03/23/2020)
03/27/2020	<u>33</u>	Memorandum in opposition to re <u>30</u> MOTION to Stay MOTION for Extension of Time to filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Declaration)(Wood, Hart) (Entered: 03/27/2020)
04/03/2020	<u>34</u>	REPLY to opposition to motion re <u>30</u> MOTION to Stay MOTION for Extension of Time to <i>of the Processing, Production, and Reporting Deadlines in Light of the COVID-19 Pandemic's Effect on Federal Government Operations</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Exhibit Updated Declaration)(Tomlinson, Martin) (Entered: 04/03/2020)
04/13/2020		MINUTE ORDER. Defendant shall notify the court by Wednesday, April 15, 2020, whether RIDS staff returned to work on a limited basis on April 13, 2020. If so, Defendant shall propose a production schedule and advise whether Plaintiff consents to such schedule. Signed by Judge Amit P. Mehta on 04/13/2020. (lcapm2) (Entered: 04/13/2020)
04/13/2020		Set/Reset Deadlines: Status Report due by 4/15/2020. (zjd) (Entered: 04/13/2020)
04/15/2020	<u>35</u>	STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Declaration Updated Declaration)(Tomlinson, Martin) (Entered: 04/15/2020)
04/15/2020		MINUTE ORDER. Defendant shall notify the court by April 29, 2020, whether RIDS staff returned to work on a limited basis on April 27, 2020. If so, Defendant shall propose a production schedule and advise whether Plaintiff consents to such schedule. Signed by Judge Amit P. Mehta on 04/15/2020. (lcapm2) (Entered: 04/15/2020)

04/15/2020		Set/Reset Deadlines: Status Report due by 4/29/2020. (zjd) (Entered: 04/16/2020)
04/29/2020	<u>36</u>	STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Declaration)(Tomlinson, Martin) (Entered: 04/29/2020)
05/01/2020		MINUTE ORDER. Defendant shall file a Joint Status Report by May 29, 2020, which proposes a new production schedule. Signed by Judge Amit P. Mehta on 05/01/2020. (lcapm2) (Entered: 05/01/2020)
05/01/2020		Set/Reset Deadlines: Joint Status Report due by 5/29/2020. (zjd) (Entered: 05/04/2020)
05/29/2020	<u>37</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Tomlinson, Martin) (Entered: 05/29/2020)
05/31/2020		MINUTE ORDER. On or before June 29, 2020, Defendant shall (a) confer with Plaintiff regarding the status of RIDS's efforts in this matter; and (b) file a Joint Status Report with the court to provide an update on the work being done in this case and for the parties to propose an appropriate course of action going forward. Signed by Judge Amit P. Mehta on 05/31/2020. (lcapm2) (Entered: 05/31/2020)
05/31/2020		Set/Reset Deadlines: Joint Status Report due by 6/29/2020. (zjd) (Entered: 06/01/2020)
06/29/2020	<u>38</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Tomlinson, Martin) (Entered: 06/29/2020)
06/30/2020		MINUTE ORDER. The parties shall file an additional Joint Status Report by August 4, 2020, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 06/30/2020. (lcapm2) (Entered: 06/30/2020)
06/30/2020		Set/Reset Deadlines: Joint Status Report due by 8/4/2020. (zjd) (Entered: 06/30/2020)